

### **REMARKS**

Claims 24-28, 30-47, and 49-61 are now pending in the application. By this paper, Claim 59 has been amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **CLAIM OBJECTIONS**

Claim 52 stands objected to for reciting the term "hold" rather than reciting the term "hole." Applicant notes that Claim 52 was amended in the Response filed September 15, 2006 to correct the above-described typographical error. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

### **VOLUNTARY AMENDMENT**

Applicant has voluntarily amended independent Claim 59 to correct typographical errors. Because the amendments to Claim 59 were made to correct typographical errors, Applicant respectfully submits that such amendments are non-narrowing amendments.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 24-26, 28, 30, 31, 35-37, 42-47, 49, 51-53 and 56-61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshita (J.P. Pat. No. 58-194627). This rejection is respectfully traversed.

Independent Claim 59 recites a method of forming a gas tank filler neck including configuring a transition portion between a relatively large inlet and a relatively large outlet of a tubular member. The transition portion receives fuel directly from a nozzle to induce a swirl to passing fuel for venting vapors from the gas tank during fuel filling. Independent Claim 60 recites a filler neck assembly including a funnel member having a tubular body defining a larger inlet opening, a smaller outlet opening, and a transition portion disposed between the inlet opening and the outlet opening. The transition portion receives fuel directly from a nozzle to induce a swirl to and vent vapors from fuel flowing through the tubular body. Independent Claim 61 recites a method of forming a filler neck for a motor vehicle fuel tank including configuring a transition portion of a tubular body between an inlet and an outlet to induce a swirl to and vent vapors from fuel received directly from a nozzle and flowing through a funnel member.

Applicant respectfully submits that Yoshida fails to disclose a transition portion disposed between an inlet opening and an outlet opening of a filler neck that receives fuel directly from a nozzle to induce a swirl to the fuel. Rather, Yoshida discloses a filler tube having an inlet and a tube connected to the inlet having an outlet with a smaller diameter than the inlet. See Yoshida at Figure 4. While the inlet of Yoshida includes a larger diameter than the outlet, Yoshida is silent with regard to a transition portion being

disposed between the inlet and the outlet that receives fuel directly from a nozzle to induce a swirl to passing fuel.

In light of the foregoing, Applicant respectfully submits that independent Claims 59, 60, and 61, as well as Claims 24-26, 28, 30, 31, 35-37, 42-47, 49, 51-53, and 56-58, respectively dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 27, 38, 39, 41, 50 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshita in view of Bates et al. (U.S. Pat. No. 5,385,179).

Claims 32-34, 40 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshita in view of Whitley, II. et al. (U.S. Pat. No. 5,507,324).

These rejections are respectfully traversed.

Independent Claims 59, 60, and 61 are believed to be in condition for allowance in light of the foregoing remarks. Because Claims 27, 32-34, 38-41, 50, 54, and 55 respectively depend from independent Claims 59, 60, and 61, Claims 27, 32-34, 38-41, 50, 54, and 55 are similarly believed to be in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **DOUBLE PATENTING**

Claims 24-28, 30-49 and 50-61 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-32 of U.S. Patent No. 6,588,459.

Claims 24-28, 30-49 and 50-61 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-19 of U.S. Patent No. 6,330,893.

These rejections are respectfully traversed.

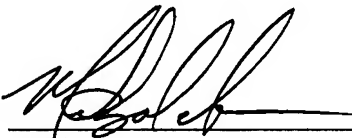
Applicant acknowledges the above double patenting rejections and defer filing a Terminal Disclaimer until allowance of the pending claims.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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